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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,912	06/27/2003	Steven J. Winick	H0003859 (16131)	7055

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EXAMINER

NGUYEN, QUYNH H

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 03/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/608,912

Applicant(s)

WINICK ET AL

Examiner

Quynh H. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on remarks filed 12/20/05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2, 4, 7-8 and 10 is/are rejected.
- 7) ☒ Claim(s) 3, 5-6, 9, and 11-12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in prior Office action.

Response to Amendment

2. Applicant's amendment filed 12/20/05 has been entered. No claims have been amended. No claims have been cancelled. No claims have been added. Claims 1-12 are still pending in this application, with claims 1 and 7 being independent.

Claim Rejections - 35 USC § 103

3. Claims 1-2, 4, 7-8, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sheffer (U.S. Patent 5,884,184).

As to claims 1 and 7, Sheffer teaches the steps of:

scanning available cellular control channels (col. 7, lines 40-42; col. 3, lines 62-66) and measuring the signal strength of each cellular control channel (col. 7, lines 43-48);

selecting multiple forward control channels having a signal strength below a preselected threshold and eliminate those control channels and continue to selection the remaining multiple control channels (col. 8, lines 41-59; col. 4, lines 19-25) which is verified as being available for the assigned carrier to report a

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status of the fire alarm system (col. 1, lines 5-7; col. 2, lines 34-37 and lines 47-49; col. 3, lines 3-6; col. 5, lines 1-12);

transmitting a cellular radio message on the status of the fire alarm system over either of the cellular control channel with the strongest signal strength or the cellular control channel with the second strongest signal strength (col. 4, lines 10-25).

Sheffer does not specifically teach selecting a cellular control channel with the strongest / second strongest signal strength.

However, Sheffer teaches scanning multiple control channels and determining a set of preselected criteria or characteristics such as the forward control channel number and a number indicative of a signal strength of the forward control number (col. 3, lines 61-66); eliminating the forward control channels that are adjacent in frequency to a forward control channel which has a signal strength of a preselected value or higher (col. 4, lines 18-25; col. 8, lines 41-44). Therefore it would have been obvious to one of ordinary skill in the art that selecting one of remaining forward control channel with after eliminating the forward control channels that are adjacent in frequency to a forward control channel for the strongest / second strongest signal strength; otherwise it would defeat the purpose of scanning step (col. 3, lines 61-66).

As to claims 2 and 8, Sheffer teaches developing a channel list in which the cellular control channels (col. 3, line 66 through col. 4, line 2 - *where Sheffer discussed a data array in which control channels are stored*) and storing the set of preselected criteria of control channels, classified according to signal strength

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(col. 4, lines 4-10 - *where Sheffer discussed selecting a control channel based on a comparison of the stored preselected criteria or characteristics*). Sheffer does not specifically teach the channels list is not generated based upon sorted and classified according to signal strength. However, Sheffer teaches the threshold in a data array or memory table is with the range of -115dBm and -125dBm and the memory table is repeatedly scanned, compared, and updated, therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to sort the memory list in some order for the purpose of improving run / execution time and reducing run time to minimal.

As to claim 4, Sheffer teaches repeating and selecting a cellular control channel with the strongest signal strength until the last available channel is found (col. 8, lines 44-59; Fig. 3a).

Claim 10 is rejected for the same reasons as discussed above with respect to the third limitation of claim 1.

Allowable Subject Matter

4. Claims 3, 5-6, 9, and 11-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

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4. Applicant's arguments filed 12/20/06 have been fully considered but they are not persuasive. Applicant's arguments are addressed in the above claims rejection.

Applicant mainly argues that Sheffer is not concerned with the strongest signal strength. Examiner respectfully submits that Sheffer teaches scanning multiple control channels and determining a set of preselected criteria or characteristics such as the forward control channel number and a number indicative of a signal strength of the forward control number (col. 3, lines 61-66); eliminating the forward control channels that are adjacent in frequency to a forward control channel which has a signal strength of a preselected value or higher (col. 4, lines 18-25; col. 8, lines 41-44). Therefore it would have been obvious to one of ordinary skill in the art that selecting one of remaining forward control channel with after eliminating the forward control channels that are adjacent in frequency to a forward control channel for the strongest / second strongest signal strength; otherwise it would defeat the purpose of scanning step (col. 3, lines 61-66).

Applicant argues that in Sheffer the channels list is not generated based upon sorted and classified according to signal strength. Even though Sheffer does not specifically teach the channels list is not generated based upon sorted and classified according to signal strength. However, Sheffer teaches the threshold in a data array or memory table is with the range of -115dBm and -125dBm and the memory table is repeatedly scanned, compared, and updated, therefore it would have been obvious to one of ordinary skill in the art at the time

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the invention was made to sort the memory list in some order for the purpose of improving run / execution time and reducing run time to minimal.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

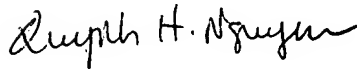
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quynh H. Nguyen whose telephone number is 571-272-7489. The examiner can normally be reached on Monday - Thursday from 6:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing Chan, can be reached on 571-272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Quynh H. Nguyen
March 15, 2006